

Volusia County Sheriff's Office Supervisor Investigation Report

Incident Entered By: [IAPro entry - Sergeant Ryan Mills]

Assigned Investigator: SGT Justin Stewart

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
7/22/2019	3/26/2019	10:46
Record ID #	Agency Case #	File #
25779	19-6559	SI 19-048
Date/Time Entered		
8/8/2019 08:45		

Incident Summary

In July, 2019, Sergeant Stewart received a written complaint via Blue Team, concerning Deputy Luis Garcia ID#7936, who is the School Resource Deputy assigned to Deltona High School. The complaint was authored by Tyler Bardwell-Kittrell, hereafter referred to as Kittrell, and advised she believed Deputy Garcia violated her civil rights and was untruthful in a sworn police report. Kittrell advised the incident occurred on March 26th, 2019, and referenced Volusia County Sheriff's Office case number 190006559.

On August 5th, 2019, at approximately 0905 hours, Sergeant Stewart made contact with Kittrell via telephone. Sergeant Stewart requested Kittrell detail her complaint, which she did. Kittrell advised that she was at Deltona High School on March 26th, 2019 to register her daughter, Amber Bardwell. According to Kittrell she was not causing a disturbance but was then trespassed illegally from the school property by Deputy Garcia. She advised at no point did she raise her voice, nor was she asked to leave the property. Kittrell further advised that she believed Deputy Garcia had written a false statement in the report about this incident. She stated Deputy Garcia wrote that he had no prior knowledge about safety concerns for Bardwell, which was not true, according to Kittrell. Kittrell explained that she had text messages between Deputy Garcia and herself, which indicated he knew of concerns for her daughter's well-being. She advised her daughter is diagnosed with autism and has been previously sexually assaulted/coerced by other students to send inappropriate photographs from her cell phone. It should be noted these incidents are documented under VCSO Case numbers 180012511 and 180006901. Kittrell also advised that Deputy Garcia and the Principal at the school, Carolyn Carbonell, had "misused their authority". Kittrell could not provide any first-hand information to support this and did not give any specific incident. Kittrell advised that she would email Sergeant Stewart copies of text messages between herself and Deputy Garcia, indicating that he had knowledge about safety concerns for Bardwell, prior to authoring his report.

Sergeant Stewart reviewed the original report, 190006559, in reference to this incident. The report indicated that on March 26th, 2019, Deputy Garcia escorted Kittrell to Bardwell's registration meeting at Deltona High School, due to prior incidents of outbursts. Kittrell refused to complete the registration process for her child and began raising her voice. Kittrell calmed down but still refused to enroll her daughter at Deltona High School. Upon completion of the meeting Deputy Garcia trespassed Kittrell from Deltona High School at the request of Vice Principal Eidie Velez. Deputy Garcia explained the trespass procedure to Kittrell at which time she left the property. Sergeant Stewart also reviewed a statement provided by Assistant Principal Eidie Velez. In the statement, AP Velez stated that she told Kittrell that Kittrell was going to be trespassed from Deltona High School. In his report, Deputy Garcia indicated he has never received any reports of safety concerns regarding Bardwell, with the exception of a sex offense (180012511).

Sergeant Stewart researched and located two Body Worn Camera videos related to this incident. The first video began recording on March 26, 2019, at 0927 hours and was 32 minutes and 5 seconds long. The second video began recording on March 26, 2019, at approximately 1001 hours and was 42 minutes and 21 seconds long. Sergeant Stewart reviewed both videos related to this incident. At the beginning of video 1, Deputy Garcia made contact with Kittrell and Bardwell in the front lobby of Deltona High School. Deputy Garcia escorted both subjects to an office where a meeting began without incident. The focus of the meeting was school matters concerning Bardwell. At the end of video 1, Deputy Garcia steps out of the room and deactivates his BWC. Video 2 picks up in the same hallway that Deputy Garcia was last observed to be in. Deputy Garcia then steps back into the meeting. At this point there are approximately 6 people attending this meeting. The general vibe for the meeting was serious but cordial and informative. The meeting concludes at approximately 31 minutes into the video as one of the school employees, believed to be Assistant Principal Velez, tells Kittrell she cannot come onto the school campus without contacting Deputy Garcia and making an

appointment. Kittrell explains she cannot be trespassed from the school and she will sue the school if she is. Deputy Garcia escorts Kittrell and Bardwell outside of the building and verbally advises her that the school wishes to trespass her from the property. Kittrell stated pursuant to Florida Statute 228.091 that since she is a parent she cannot be trespassed from the property, at which time Deputy Garcia reminds her that currently Bardwell is not registered at Deltona High School. At no time did Deputy Garcia formally trespass Kittrell from the property, he verbally explained that per the school she was not allowed to come back unless she had legitimate business and set up an appointment. After some back and forth Kittrell and Bardwell leave the property.

On August 6th, 2019, at approximately 0945 hours, Sergeant Stewart met with Deputy Garcia and conducted an interview in reference to the above incident. Deputy Garcia advised he was aware of the incident and did not need to review any paperwork prior to the interview. Deputy Garcia advised that on March 26th, 2019, he was requested to escort and standby for a school meeting involving Kittrell and Bardwell. He stated that the day prior there was a bit of an issue with Kittrell becoming upset and yelling "Fuck!" in the front lobby. Deputy Garcia explained the meeting went on with no major issue and upon conclusion, Assistant Principal Velez requested Kittrell be trespassed from the property. Deputy Garcia advised he walked Kittrell and Bardwell to the front of the building and explained that unless she had official business and made an appointment, she was not welcome on the property of Deltona High School. Sergeant Stewart asked Deputy Garcia if Bardwell was enrolled at the school and he advised that she was not at the time of the meeting. Sergeant Stewart asked if he provided Kittrell with a written trespass to which he advised he did not. Sergeant Stewart inquired about the report that was completed in reference to this incident, particularly the portion about not being aware of any safety concerns for Bardwell. Deputy Garcia advised he had a rapport with Bardwell and Bardwell had never mentioned any concerns with her safety. He stated he believed that based on their rapport she would have definitely felt comfortable in bringing any issues to his attention. Deputy Garcia advised he put that there was no known safety concerns in the report because based on his interpretation Bardwell was frequently with a representative of the school (Deputy, AP, Advisor, etc.) and therefore she was in excellent hands.

On August 7th, 2019, Sergeant Stewart received an email from Kittrell which contained a Youtube link and three attached photographs. The three photographs were screenshots of a text message conversation between Kittrell and a user shown as "Deputy Garcia". The only thing related to a risk was a statement by "Deputy Garcia" which said "Omg...thats a huge security risk.", which was sent on March 5th, unknown year at 1239 hours. Sergeant Stewart asked Kittrell what this was in reference to, to which she advised when Bardwell was sent to Beach House a male showed up to sign her out. Kittrell advised the text message was about this incident to which Deputy Garcia replied that the male showing up was a huge security risk, due to the fact that this location is confidential. This particular incident showed no threat to Bardwell and no direct connection to Deputy Garcia or Deltona High School.

Sergeant Stewart made contact with Legal Advisor Peter McGlashan in reference to the issue of Kittrell being trespassed from the school. Sergeant Stewart and Mr. McGlashan both came to the conclusion that since Deputy Garcia verbally told Kittrell she was not allowed to come back to the school unless she had official business and made an appointment, and the fact that Bardwell was not an enrolled student, that Deputy Garcia had not violated Kittrell's rights.

Sergeant Stewart determined that Deputy Garcia's actions did NOT violate any Volusia County Sheriff's Office policy. Furthermore based on Deputy Garcia's interpretation of the circumstances, he did NOT falsify his report, as he documented information he knew to be true as he saw it.

After reviewing this incident Sergeant Stewart determined the following policies were NOT violated:

26.2.106 Untruthfulness - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. (Violation subject up to dismissal.) UNFOUNDED

26.2.131 VSO personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their position as described by the County Merit System Job Classification Plan and Directives numbered under the 21, 22 and 35 series of this Manual.

26.2.132 Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training. (Violation subject up to a written reprimand.) UNFOUNDED

Incident Location

- 100 Wolf Pack Run, Deltona, FL 32725 - Location of Occurrence: District 4

Categories

Reporting/Involved Citizen Information

Tyler Bardwell-Kittrell

DOB: 9/25/1974 Race: White Ethnicity: Gender: Female

Role

-

Involved Employees

DEP Luis Garcia - DID #: 7936

Assignment at time of incident: Title: DEP CSSR

Video Footage: Issued - Activated

Role

- Primary

Citizen Witnesses

Eidie Velez

- Race: Hispanic - Gender: Female

Address

- 100 Wolf Pack Run, Deltona, FL 32725

Phone

- (386) 575-4153

Role

-

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Type
8/8/2019	Email correspondence between Sergeant Stewart and Kittrell	pdf
8/8/2019	Screenshot of text messages	png
8/8/2019	Screenshot of text messages 2	png
8/8/2019	Screenshot of text messages 3	png
8/8/2019	19-6559 original report	pdf
8/8/2019	19-6559 Supplement	pdf
8/8/2019	19-6559 Velez statement	pdf
8/8/2019	Initial Citizen Complaint	docx
8/8/2019	BWC Video 1	
8/8/2019	BWC Video 2	
8/8/2019	Youtube video from Kittrell POV	

Assignment History

Sent Dt	From	To
8/8/2019	Sergeant Ryan Mills	(None Specified)
Assignment notes Field status changed in IAPro from to Field assigned		
Email sent to receiver No email sent		
8/8/2019	Sergeant Ryan Mills	SGT Justin Stewart
Assignment notes IAPro assigned		
Email sent to receiver No email sent		
9/6/2019	Sergeant Ryan Mills	(None Specified)
Assignment notes Field status changed in IAPro from Completed - in holding bin to Released		
Email sent to receiver No email sent		

Chain of Command History

Routing #1	
Sent From:	SGT Ryan Mills
Sent To:	SGT Justin Stewart
CC:	(none)
Sent Date/Time:	8/8/2019 8:49 AM
Instructions from SGT Ryan Mills to SGT Justin Stewart:	
SI	
Comments/Response from SGT Justin Stewart:	
Comments:	

[Forwarded by SGT Justin Stewart without completion notes]

Routing #2	
Sent From:	SGT Justin Stewart
Sent To:	LT Michelle Newman
CC:	(none)
Sent Date/Time:	8/12/2019 11:43 AM
Instructions from SGT Justin Stewart to LT Michelle Newman:	
For review.	
Comments/Response from LT Michelle Newman:	
Comments: [Forwarded by LT Michelle Newman]	

Routing #3	
Sent From:	LT Michelle Newman
Sent To:	SGT Justin Stewart
CC:	(none)
Sent Date/Time:	8/12/2019 1:49 PM
Instructions from LT Michelle Newman to SGT Justin Stewart:	
please see email for specifics.	
Thank you!	
Comments/Response from SGT Justin Stewart:	
Comments: [Forwarded by SGT Justin Stewart]	

Routing #4	
Sent From:	SGT Justin Stewart
Sent To:	LT Michelle Newman
CC:	(none)
Sent Date/Time:	8/12/2019 3:09 PM
Instructions from SGT Justin Stewart to LT Michelle Newman:	
Corrections made and verified.	
Comments/Response from LT Michelle Newman:	
Comments: [Forwarded by LT Michelle Newman]	

Routing #5	
Sent From:	LT Michelle Newman
Sent To:	CAPT Erik Eagan
CC:	(none)
Sent Date/Time:	8/13/2019 10:27 AM
Instructions from LT Michelle Newman to CAPT Erik Eagan:	
For your review.	
Comments/Response from CAPT Erik Eagan:	
Comments: [Forwarded by CAPT Erik Eagan]	

Routing #6	
Sent From:	CAPT Erik Eagan
Sent To:	Admin Group
CC:	(none)
Sent Date/Time:	8/13/2019 11:04 AM

Instructions from CAPT Erik Eagan to Admin Group:

FYR

Comments/Response from CAPT Eric Westfall:

Comments:

[Forwarded by CAPT Eric Westfall]

Routing #7

Sent From:	CAPT Eric Westfall
Sent To:	DCHF Timothy Morgan
CC:	(none)
Sent Date/Time:	8/13/2019 1:27 PM

Instructions from CAPT Eric Westfall to DCHF Timothy Morgan:

For discussion.

Comments/Response from DCHF Timothy Morgan:

Comments:

[Forwarded by DCHF Timothy Morgan]

Routing #8

Sent From:	DCHF Timothy Morgan
Sent To:	CHDP Joseph Gallagher
CC:	(none)
Sent Date/Time:	8/23/2019 11:12 AM

Instructions from DCHF Timothy Morgan to CHDP Joseph Gallagher:

FYR and I concur with the findings: UNFOUNDED

Comments/Response from CHDP Joseph Gallagher:

Comments:

[Forwarded by DCHF Joseph Gallagher]

Routing #9

Sent From:	CHDP Joseph Gallagher
Sent To:	Admin IA
CC:	(none)
Sent Date/Time:	9/6/2019 12:25 PM

Instructions from CHDP Joseph Gallagher to Admin IA:

Concur with conclusion.

Comments/Response from SGT Ryan Mills:

Comments:

[Forward to IAPro by SGT Ryan Mills]

Assigned Investigator Signature Line

 SGT Justin Stewart
Chain of Command Signature Lines

 SGT Justin Stewart

 LT Michelle Newman

CAPT Erik Eagan

CAPT Eric Westfall

DCHF Timothy Morgan

CHDP Joseph Gallagher

SGT Ryan Mills